Document No.4299
Voted at Meeting of 4/28/83

MEMORANDUM OF UNDERSTANDING

BETWEEN

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

AND

BOSTON REDEVELOPMENT AUTHORITY

REGARDING LONG WHARF

MEMORANDUM OF UNDERSTANDING between the Massachusetts Bay Transportation Authority (hereinafter called "MBTA") having offices at 50 High Street, Boston, Massachusetts; and the Boston Redevelopment Authority, having offices at City Hall, Boston, Massachusetts (hereinafter called "BRA") both of which are bodies politic and corporate and political subdivisions of the Commonwealth of Massachusetts.

WITNESSETH THAT:

WHEREAS, MBTA is engaged in a program to install emergency egress and ventilation chamber facilities in its Blue Line Rapid Transit System; and

WHEREAS, one of said facilities (hereinafter called the "Project") is required in the area of Long Wharf in the City of Boston, owned by BRA; and

WHEREAS, BRA is willing to give to MBTA necessary temporary and permanent easements in and over its land so that MBTA may contruct and maintain the Project; and

WHEREAS, MBTA is willing, in connection with the Project, to make certain improvements in the area impacted by the Project.

NOW, THEREFORE, the parties hereto, each with the other, agree as follows:

A. <u>UNDERTAKINGS BY BRA</u>

1. BRA hereby agrees to grant to MBTA, at no cost, a permanent

easement in and over its property shown as Parcel R-6-1 on Plan No. 80492, dated February , 1983, prepared by Parsons, Brinckerhoff, Quade and Douglas, Inc., attached as Exhibit A, and described in attached Exhibit B. Said easement shall be for the following purposes:

a) To construct, reconstruct, repair, maintain, and replace a subsurface ventilation chamber and emergency egress facility, together with four 25 foot high ventilation stacks and an egress kiosk (hereinafter called the "facilities").

b) For pedestrian and vehicular access to and from the facilities, including heavy equipment access.

c) For subsurface electric duct lines serving the facilities.

2. BRA hereby grants to MBTA, at no cost, a temporary construction easement in Parcel R-6-2 as shown on the above plan attached as Exhibit A, and described in attached Exhibit C. Said temporary construction easement shall be for the purpose of constructing the Project and for doing the additional work described in Paragraph B herein.

3. BRA agrees to obtain on behalf of MBTA permits from the U.S. Army Corps of Engineers, and the State Environmental Protection Agency and Division of Waterways, to carry out the Project.

4. BRA agrees to assume ownership and maintenance of all surface elements of the Project (including the shade structure but not including interiors of the ventilation stacks or egress kiosk) but shall not make any substantial changes therein without the consent of MBTA which consent shall not be

unreasonably withheld. Any change which effects the ventilation shafts or access thereto shall be considered a substantial change.

5. BRA hereby grants to MBTA a license to use Boston Harbor and Long Wharf for water access during construction or reconstruction of the Project.

6. BRA hereby releases MBTA from any claims for damages under Chapter 79 of the General Laws or Public Law 91-646 or any related Federal or State laws arising out of the matters described in paragraphs A(1) and A(2) above.

B. UNDERTAKINGS BY MBTA

1. MBTA agrees to construct the Project substantially in accordance with plans entitled "Subway Ventilation Improvement MBTA Contract 103-103 B-6 Long Wharf, Boston, Massachusetts", dated February , 1983, prepared by Parsons, Brinckerhoff, Quade & Douglas, Inc., numbered 80478 to 80524, inclusive.

2. MBTA agrees to perform the following additional work in the area impacted by the Project:

a) To demolish existing deck structure within the construction easement area.

b) To repair seawall, including underwater toe restoration, within the construction easement area.

c) To raise level of seawall to 13.5 feet Boston City base within the permanent easement area.

d) To construct shade structure in accordance with plans approved by BRA.

e) To restore the surface within both the permanent and construction easement area with materials and at a finished grade

consistent with existing materials and grade or as specified by BRA for adjacent areas of the new park.

IN WITNESS WHEREOF, the undersigned, Massachusetts Bay Transportation Authority, and Boston Redevelopment Authority have executed this Memorandum of Understanding this day of , 1983.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

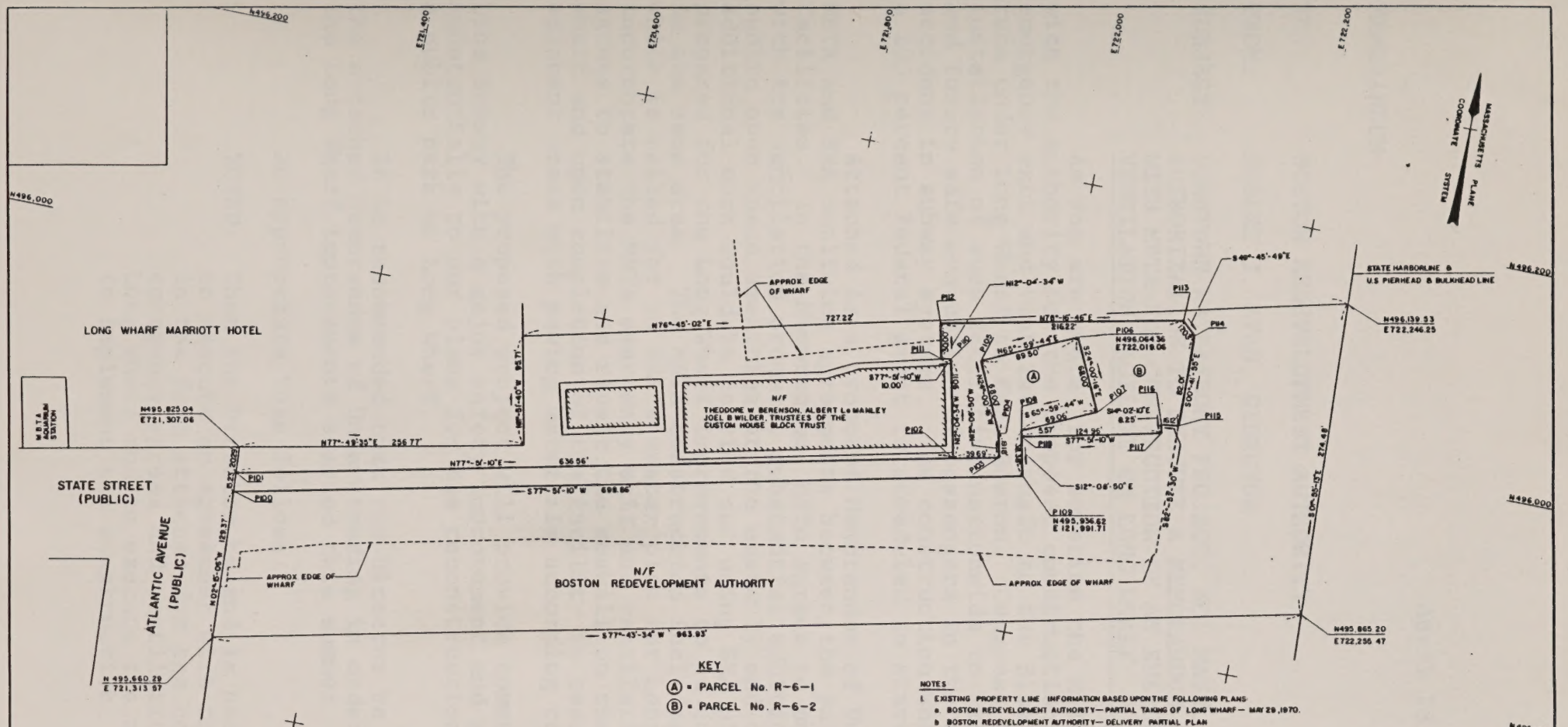
By_____

Approved as to form:

BOSTON REDEVELOPMENT AUTHORITY

_____
General Counsel

By_____



KEY

Ⓐ = PARCEL No. R-6-1

Ⓑ = PARCEL No. R-6-2

NOTES

1. EXISTING PROPERTY LINE INFORMATION BASED UPON THE FOLLOWING PLANS:
   a. BOSTON REDEVELOPMENT AUTHORITY — PARTIAL TAKING OF LONG WHARF — MAY 29, 1970.
   b. BOSTON REDEVELOPMENT AUTHORITY — DELIVERY PARTIAL PLAN COMBINED PARCEL A-6 AND A-7 — NOVEMBER 2, 1979.
   c. BOSTON REDEVELOPMENT AUTHORITY — EASEMENT FOR CONSTRUCTION STATE STREET & ATLANTIC AVENUE — JULY 13, 1981.

PARCEL No.	PURPORTED OWNER	TYPE OF ACQUISITION	AREA	COUNTY
R-6-1	BOSTON REDEVELOPMENT AUTHORITY	PERMANENT SURFACE AND SUBSURFACE EASEMENT	16,978 SQ FT±	SUFFOLK
R-6-2	BOSTON REDEVELOPMENT AUTHORITY	TEMPORARY CONSTRUCTION EASEMENT	15,872 SQ FT±	SUFFOLK

SCALE IN FEET
40 0 40 80

TO CONVERT TO METERS MULTIPLY BY .3048

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

3/8/83
DATE

Mario D Mandonni
(SIGNED)

ISSUE DATE	DESCRIPTION	BY	CHKD	APP'D

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

M.B.T.A.
SUBWAY VENTILATION IMPROVEMENTS
B-6 LONG WHARF

LAND ACQUISITION PLAN

PARSONS, BRINCKERHOFF, QUADE & DOUGLAS INC
ENGINEERS BOSTON, MASS

MASS BAY TRANSPORTATION AUTHORITY APPROVED BY

SCALE 1" = 40'	DRAWN BY	DESIGN BY	CHK'D BY	PLAN NO
DATE 2/4/83	ARM	HG	HG	SHEET

April 28, 1983

MEMORANDUM

4299

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: DOWNTOWN WATERFRONT PROJECT, NO. MASS. R-77
AUTHORIZATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MBTA FOR CONSTRUCTION OF AN EMERGENCY EGRESS AND VENTILATION FACILITY ON LONG WHARF

As you are aware, for sometime the MBTA has been negotiating with the Authority for the proposed construction on Long Wharf of an emergency exit and ventilation shaft to the Blue Line subway which runs under Long Wharf to East Boston. Congress has mandated the installation of such facilities nationwide to improve safety conditions and insure safe evacuation of passengers in the event of a fire or accident in subway systems. The construction which will be funded with a 100 percent Federal grant is scheduled to start in late spring.

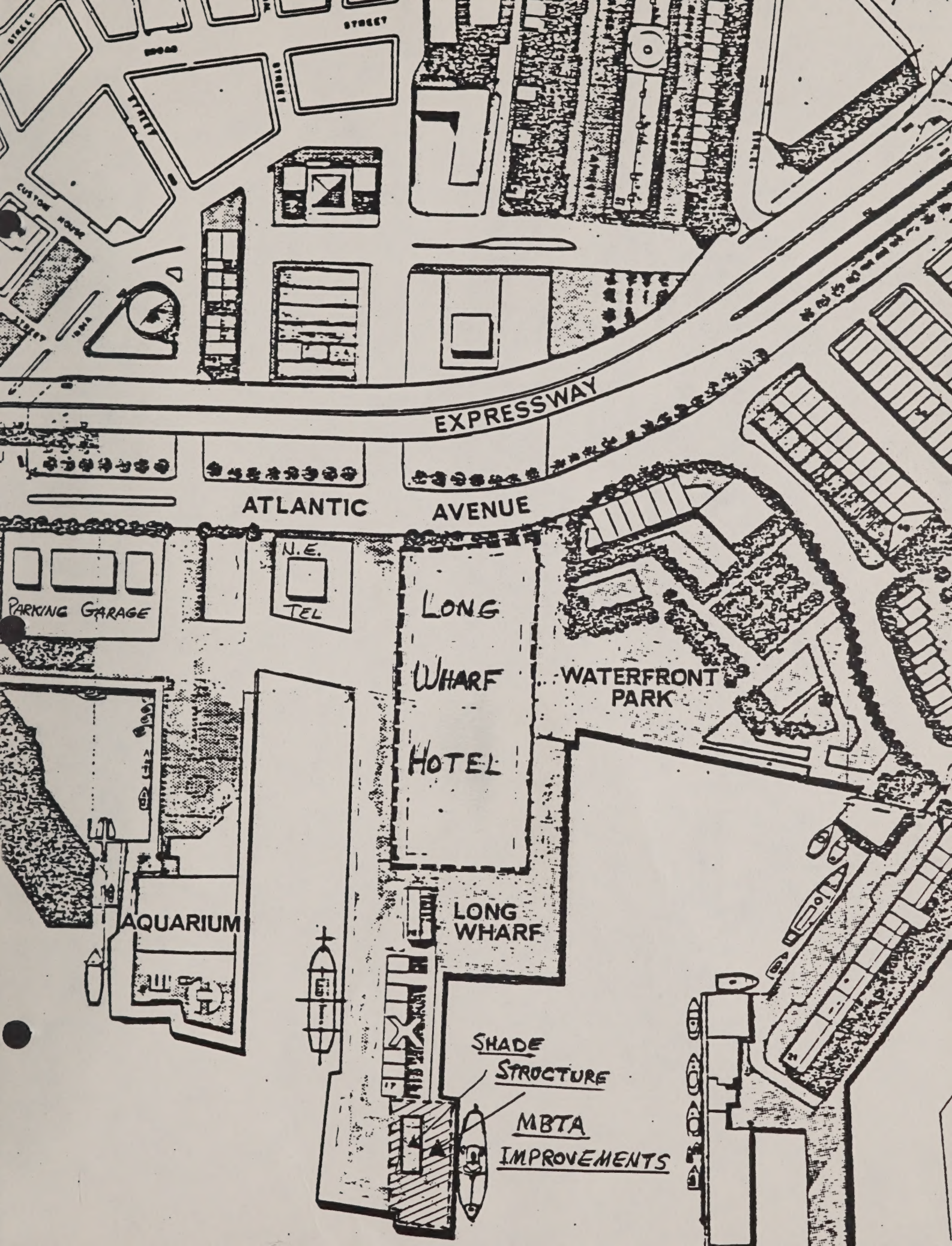
Attached is a proposed Memorandum of Understanding between MBTA and BRA outlining agreements between the parties for building the facilities. In the Memorandum, MBTA agrees to undertake in conjunction with its ventilation project, substantial additional repair work and public open space amenities at the easterly end of the wharf. The additional work would be carried out using BRA plans and specifications prepared for the Long Wharf improvements to be constructed this summer in the same area. The MBTA construction includes a shade structure which is called for in BRA's master plan for Long Wharf and which will incorporate the MBTA emergency exit and ventilation units. MBTA also agrees to stabilize and repair the seawall on the north side of the wharf and upon completion of the facility to resurface and restore the adjacent areas with paving materials according to BRA specifications.

The proposed project will provide commuters using the Blue Line Subway with a major safety improvement and will also contribute substantially to our plans for the reconstruction and development of a public park on Long Wharf.

It is recommended that the Director be authorized to implement the attached Memorandum of Understanding in order to get this phase of the Long Wharf improvements started this summer.

An appropriate Vote follows:

VOTED: That the Director be and is hereby authorized to execute an agreement with the MBTA substantially in the form attached for the construction of an emergency egress and ventilation facility on Long Wharf and to execute the necessary documents to implement the construction.


EXPRESSWAY
ATLANTIC AVENUE
PARKING GARAGE
N.E. TEL
LONG WHARF HOTEL
WATERFRONT PARK
AQUARIUM
LONG WHARF
SHADE STRUCTURE
MBTA IMPROVEMENTS